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Delaware Supports Federal Rule to Fight Air Pollution

Biden joins 11 state attorneys general to defend EPA's efforts to reduce mercury emissions

Wilmington – Delaware Attorney General Beau Biden and eleven other states, plus New York City and the District of Columbia fought back Friday against attempts to weaken the Environmental Protection Agency's work to significantly cut the amount of mercury pollution that electric power plants release into the air.

"Mercury pollution can be very harmful to our health," Biden said. "A lot of the pollution in Delaware's air comes from sources outside of our borders, and the EPA is doing the right thing in acting to cut down on harmful emissions across the country."

The attorneys general filed a brief in federal court today asking to be allowed to intervene and defend the Environmental Protection Agency's ("EPA") Mercury and Air Toxics Standards ("MATS"). The other states participating in the filing include Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Mexico, New York, Rhode Island, and Vermont. The motion to intervene was filed in the United States Court of Appeals for the District of Columbia Circuit.

"Delaware is a national leader in reducing mercury emissions," said Collin O'Mara, Secretary of the Delaware Department of Natural Resources and Environmental Control. "Over the past five years we have proven that reductions are both cost effective and technically feasible. Unfortunately, there is only so much Delaware can do because the vast majority of mercury emissions in our air come from upwind sources, which is why we are grateful that Attorney General Biden and the other attorneys general are acting to defend EPA's toxics rule."

Industry groups brought cases last month in the D.C. court challenging the EPA's standards that are designed to reduce mercury emissions by the electric power industry. Those standards seek to cut mercury emissions by 90 percent by requiring power plants to utilize emission-reducing technology.

Late last year, the EPA issued the MATS rule in direct response to an order from the same federal appeals court in 2008. The court ruled that EPA's decision in 2000 to allow electricity generating plants to avoid regulation of mercury and other toxic emissions under the Clean Air Act was invalid.

As a sector, electricity generating plants are the largest domestic source of mercury emissions in the United States. The MATS allows existing sources three years to comply, and notes that up to

two additional years may be allowed in certain special cases. The EPA estimates that health benefits of the MATS rule will range from \$37 to \$90 billion annually, and will cost electric power plants only \$3 to \$9 billion a year.

Stallion Energy Center, LLC, a proposed Texas coal plant, the National Mining Association, the Black Chamber of Commerce, and the Institute for Liberty, filed petitions for review in the United States Court of Appeals for the District of Columbia Circuit, which have been consolidated.

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